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| 10/799,298 | 03/12/2004 | Jilene A. Repp | 074313-0115 | 7825 |
| 26371 | 7590 | 06/15/2006 | EXAMINER | |
| FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308 | | | SALVATORE, LYNDIA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1771 | |

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,298

Applicant(s)

REPP ET AL.

Examiner

Lynda M. Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 66-68 and 70 is/are allowed.
- 6) ☒ Claim(s) 1-42, 44-65 and 68 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 3/27/06 have been fully considered and entered. Claims 1,17,20,22-23,30,36,40,44 and 56-58 have been amended and new claims 66-70 have been added as requested. Applicant's amendment to claim 58 is found sufficient to overcome the 112 2nd indefinite rejection set forth in section 3 of the last Office Action. As such, this rejection is hereby withdrawn. Applicant's amendments have been fully considered, but are not found patently distinguishable over the prior art made of record and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 69 recites the limitation "the non-woven adhesive" in line 1. There is insufficient antecedent basis for this limitation in the claim. Specifically claim 40 only recites an adhesive material rather than a non-woven adhesive material.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-42 and 44-65 stand rejected under 35 U.S.C. 103(a) as being obvious over Dreyfus, US 2, 126, 756 in view of Allen et al., US 3,147,490.

Applicant argues a lack of motivation to combine references on the grounds that there is no reason to provide the stiffened composite of Dreyfus with the soft reversible garment of Allen et al., to form a soft and flexible quilt. Applicant further argues that Dreyfus does not teach an adhesive that forms a bond that is removable after the layers are attached with connectors to form a soft and flexible quilt. These arguments are not found persuasive.

With regard to Applicant's argument that a lack of motivation to combine references exists, it is the position of the Examiner that terms of "soft and flexible" are relative. Dreyfus does teach forming a stiff composite, however, since said composite is used to the garment field some degree of softness and flexibility must be present. The secondary reference of Allen et al., was provided to evidence that it is known in the art to form collars with an intermediate layer of cotton batting.

With regard to Applicant's arguments that the combination of prior art does not teach the formation of quilt, it is respectfully pointed out that Applicant is claiming a "commercially available product" "for use in the formation of a quilt". Such a recitation is not considered a positive limitation in any patentable sense, but rather an intended use of the "commercially available product". The Examiner maintains that the combination of the prior art meets all of the structural and/or chemical features of the "commercially available product". Absent any definite structural features directed to the quilt itself, the Examiner asserts that the composite taught by the combination of art could be used in the formation of a quilt.

With regard to Applicant's argument that there is a lack of teaching to providing an adhesive that forms a bond that is removable after the layers are attached with connectors to form a soft and flexible quilt, it is respectfully pointed out the Applicant is not claiming layers

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attached with connectors to form a soft and flexible quilt. As such, Applicant's arguments are not commensurate in scope with the presently claimed subject matter.

With specific regard to the adhesive itself, Dreyfus clearly teaches employing a water soluble adhesive. By definition such an adhesive is removable upon contact with water.

Accordingly, the Examiner considers the water soluble adhesive of Dreyfus sufficient to meet Applicant's claimed water soluble removable adhesive.

To iterate, the patent issued to Dreyfus teaches an intermediate layer of fabric comprising cotton fibers and a water-soluble adhesive or binder (column 1, 50-60, column 2, 1-10, 35-40, 50-column 3, 5 and column 5, 31-40). Said intermediate layer is positioned between two outer layers of fabric (column 2, 45-55). Dreyfus teaches heat and pressure to form the fabric assembly (column 4, 55-65). Dreyfus teaches that the fabric composite is suitable for a wide variety of apparel garments such as those used to form collars, cuffs, and hats (column 3, 10-18). With regard to the batting limitation, Dreyfus does not explicitly teach providing a batting, however, Dreyfus teaches an intermediate fabric having any desired construction (column 3, 24-30). Batting is commonly used in the formation of apparel garments to provide padding and/or cushion. For instance, the patent issued to Allen et al., teach a collar having an internal layer of cotton batting (column 2, 65-70).

Therefore, motivated by the desire to form an apparel garment/collar having padding or cushion it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the composite fabric taught by Dreyfus with the cotton batting taught by Allen et al.

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With regard to the temporary adhesive and removable by a treatment limitation, it is the position of the Examiner that any water-soluble adhesive is “temporary “ and “removable” when exposed to water.

Dreyfus teaches applying the adhesive to the fabric by padding, spraying or blowing (column 2, 70-column 3, 16). Dreyfus also teaches either coating or impregnating the fabric with adhesive.

With regard to pattern applying the adhesive in selective regions, Dreyfus does not explicitly teach selectively applying the adhesive in a pattern or in regions. However, it is the position of the Examiner that the process of padding as disclosed would result in having patterns or regions of adhesive.

With regard to the commercial product and instruction limitations, Dreyfus teaches that the intermediate adhesive comprising fabric may be sold as a separate article for sale. As such, it is the position of the Examiner that it would be obvious to provide instructions with an article for sale.

With specific regard to claim 58, the combination of prior art does not teach needle-punching the composite batting material, however, it is commonly known in the art that needling is used to convert loose batts or webs into coherent fabrics. Needle-punching imparts structural integrity to the resulting fabric. It is the position of the Examiner that such features would be desirable in the apparel fields.

Therefore, motivated by the desire to produce a coherent fabric suitable for use it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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needle punch the batting material provided by Allen et al., in the collar formed by the combination of Dreyfus in view of Allen et al.

Allowable Subject Matter

6. As previously set forth, claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach a non-woven water soluble adhesive material. An art search did not produce any substantial art for which to base a rejection and presently there is no motivation to combine references to form an obviousness type rejection

7. Claims 66-68 and 70 are allowed. The prior art of record does not teach a non-woven water soluble adhesive material. An art search did not produce any substantial art for which to base a rejection and presently there is no motivation to combine references to form an obviousness type rejection

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 2, 2006

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